



# DELAWARE TRIBE OF INDIANS

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COMPLAINT REGARDING PROCESS USED IN SECOND REPORT AND ORDER IN  
MATTER OF ACCELERATING WIRELESS BROADBAND DEVELOPMENT "Limitations  
on Tribal FCC Process"

March 7, 2018

Dear FCC Commissioners,

I have personally attended two government to government consultations with the FCC in Salamanca, NY and Washington, DC. At these consultations very little was said about the Tribal involvement in this process. Less than a month ago we received notice of a third consultations to be held in Albuquerque, NM with an agenda item listed exempting small cell on twilight towers (2001-2005). These small cell installations would be approximately 25% of all small cell installations and it was erroneously thought by us that we could live with that small scale exemption. Yesterday, we received notice of the draft second report and order to be voted on by the commission on March 22nd, 2018 exempting all Small Cell installations from 106 Tribal Consultation. Furthermore, we find in that notice the FCC is giving tower constructors the privilege of a decision as to negotiating contracts with Tribes. We **STRONGLY PROTEST** this statement in the draft report and order. Should tower builders be given this privilege they can simply ignore Tribal consultation and presumably dig up our ancestors on a broad scale basis without going through the 106 Consultation process whatsoever.

All the above, especially the draft agenda at the Albuquerque, NM government to government consultation was extremely mis-leading and we protest the method the FCC handled this matter!

Chief Chet Brooks  
Delaware Tribe of Indians

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Accelerating Wireless Broadband	)	WT Docket No 17-79
Deployment by Removing Barriers to	)	
Infrastructure Investment	)	

Ex Parte Comments of  
Delaware Tribe of Indians  
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## **Reply Comment to CTIA and WIA**

The Lenape People, now known as the Delaware Tribe of Indians, fully supports all comments made by National Congress of American Indians, The United South and Eastern Tribes- Sovereignty protection fund and the National Assoc. of Historic Preservation Officers on their pages 2-12 and page 14 and mostly support comments on page 13 but do have some slight caveats to add.

## **BACKGROUND HISTORY OF DELAWARE TRIBE**

It is historically well documented that on April 17, 1524 the Lenape people now known as Delaware Tribe of Indians encountered the first European Explorer, Giovanni Da Verrazano on Manhattan. We had a friendly day long visit with Verrazano but approx. three years later he was killed by Carib Indians on French Guadalupe Island. Our people were of course the first Native Americans to meet up with the Dutch and Swedes on Manhattan in the early 1600's. At the time of first contact our Lenape people numbered approx. 15,000. Eight removals from SE New York, New Jersey, Delaware, and NE Maryland through Pennsylvania, Ohio, Indiana, Missouri, Kansas, covering approx. 2000 miles and taking 343 years the 985 Survivors arrived in then Indian Territory, now Oklahoma.

The Delaware Tribe of Indians signed a Treaty in Philadelphia with William Penn in June of 1682. We were also the first Tribe to Treaty with the United States in September of 1778. We signed an additional 20 Treaties with the United States. Our last Treaty on July 4, 1866 promised us a Reservation in Indian Territory which coincidently we still haven't received. The whole purpose of this short history is to make it evident that the Lenape people known as Delaware Tribe of Indians has a long trail of removal and deaths which makes our sacred burial grounds and areas probably three or four fold greater than any other tribe. In the last 14 years, we have reburied the human remains of 184 of our ancestors nearby where they were first uncovered. Two on Ellis Island New York, 101 at Delaware Water Gap and 83 in Ohio. We know there are hundreds more to be repatriated and thousands of graves to be protected.

## **Amount of Fees and areas of Interest sought by some Tribal Nations**

While we agree with most of the reply comments of NCAI, USET-Sovereignty protection NATHPO, we do have a concern that due to our long removal trail industry might be prone to assume that our Tribe is over expanding its traditional areas. We can assure the FCC that we claim nothing except where our tribe has been. We have heard that over 25 Tribes claim NY City, Manhattan and of course we are dumbfounded to hear such since Lenape people were the original inhabitants.

We agree totally that it is the FCC responsibility on a Government to Government basis to set any limitations on pricing of consultations. We find it absurd for the industry would even suggest a token fee of \$50.00-100.00 dollars to cover cost of consultation when we hear that the average cell phone tower cost \$300,000.00 dollars and \$12,000 per year for rent of the properties to locate such towers on.



